



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: EINAT=4.1C

In re Application of:	)	Conf. No.: 7736
	)	
Paz EINAT et al	)	Art Unit: 1637
	)	
Appln. No.: 09/802,472	)	Examiner: K. Young
	)	
Filed: March 9, 2001	)	Washington, D.C.
	)	
For: SEQUENCES CHARACTERISTIC	)	
OF HYPOXIA-REGULATED ...	)	

STATEMENT UNDER 37 C.F.R. §1.48(a)(5)

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Quark Biotech, Inc., a corporation having a principal place of business at 1059 Serpentine Lane, Pleasanton, CA 94566 hereby certifies that it is the assignee of the entire right, title and interest of the above-identified application by virtue of an assignment from the added inventor, Aviv Regev, a copy of which is attached hereto, and by virtue of assignments from inventors Paz Einat, Rami Skaliter and Elena Feinstein recorded June 26, 2001, at Reel 011926, Frame 0047 (4 pages). The undersigned (whose title is supplied below) is empowered to sign this document on behalf of the assignee.

Quark Biotech, Inc., agrees to the change of inventorship in this application to add Aviv Regev as a co-

inventor along with the presently named Paz Einat, Rami Skaliter and Elena Feinstein.

QUARK BIOTECH, INC.

15 April 2006  
(Date)

Judith Abrahams

Judith Abrahams

Typed Name of Signatory

V.P. Intellectual Property

Title



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: EINAT=4.1C

In re Application of:	)	Conf. No.: 7736
	)	
Paz EINAT et al	)	Art Unit: 1637
	)	
Appln. No.: 09/802,472	)	Examiner: Kim Young
	)	
Filed: March 9, 2001	)	Washington, D.C.
	)	
For: SEQUENCES CHARACTERISTIC	)	
OF HYPOXIA-REGULATED ...	)	

STATEMENT UNDER 37 C.F.R. §1.324(b) (1)

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

I, the undersigned Aviv Regev, hereby declare and state that the error in inventorship which resulted in the omission of my name as an inventor when the present application was originally filed occurred without deceptive intention on my part.

3/10/2004  
(Date)

Aviv Regev  
Aviv Regev

## Combined Declaration for Patent Application and Power of Attorney

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

SEQUENCES CHARACTERISTIC OF HYPOXIA-RELATED GENE TRANSCRIPTION

the specification of which (check one)

- [ ] is attached hereto;  
 [X] was filed in the United States under 35 U.S.C. §111 on March 9, 2001, as  
 U.S. Appl. No. 09/802,472 \*; or  
 [ ] was/will be filed in the U.S. under 35 U.S.C. §371 by entry into the U.S. national stage of an international  
 (PCT) application, PCT/\_\_\_\_\_; filed \_\_\_\_\_, entry requested on \_\_\_\_\_ \*;  
 national stage application received U.S. Appl. No. \_\_\_\_\_ \*; §371/§102(e) date \_\_\_\_\_ \*  
 (\* if known)

and was amended on December 20, 2001, May 14, 2002, November 18, 2002, November 29, 2002, June 10, 2003 and January 15, 2004.

*(include dates of amendments under PCT Art. 19 and 34 if PCT)*

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and I acknowledge the duty to disclose to the Patent and Trademark Office (PTO) all information known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119 (a)-(d) and 365 (b) of any prior foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or under §365(a) of any PCT application which designated at least one country other than the U.S., listed below:

Application No.	Country	Filing Date (MM/DD/YYYY)
_____	_____	_____
_____	_____	_____

If I claimed foreign priority above, I hereby identify below any foreign application for patent (including an international (PCT) application designating a country other than the United States) or for an inventor's or plant breeder's certificate, having a filing date before that of the earliest application from which foreign priority is claimed (if left blank, then there are none):

Non-Priority Application No.	Country	Filing Date (MM/DD/YYYY)
_____	_____	_____
_____	_____	_____

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional applications listed below:

Application No.	Filing Date (MM/DD/YYYY)
<u>60/056,453</u>	<u>08/21/1997</u>
<u>60/098,158</u>	<u>08/27/1998</u>
<u>60/132,684</u>	<u>05/05/1999</u>

I hereby claim the benefit under 35 U.S.C. §120 of any prior U.S. non-provisional application(s) or under §365(c) of any prior PCT international application(s) designating the U.S., listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such U.S. or PCT international application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the PTO all information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Filing Date (MM/DD/YYYY)	Status (patented, pending, abandoned)
<u>09/384,096</u>	<u>08/27/1999</u>	<u>Abandoned</u>
<u>09/138,109</u>	<u>08/21/1998</u>	<u>Abandoned</u>

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

**All of the practitioners associated with Customer Number 001444**

Direct all correspondence to the address associated with Customer Number 001444, which is presently:


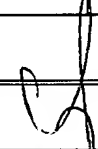
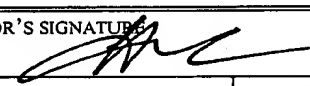
**BROWDY AND NEIMARK, P.L.L.C.**  
 624 Ninth Street, N.W.  
 Washington, D.C. 20001-5303  
 (202) 628-5197

Title: SEQUENCES CHARACTERISTIC OF HYPOXIA-REGULATED GENE TRANSCRIPTIONU.S. Application filed March 9, 2001, Serial No. 09/802,472

PCT Application filed \_\_\_\_\_, Serial No. \_\_\_\_\_

The undersigned hereby authorizes the U.S. Attorneys or Agents appointed herein to accept and follow instructions from \_\_\_\_\_ as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. Attorneys or Agents and the undersigned. In the event of a change of the persons from whom instructions may be taken, the U.S. Attorneys or Agents appointed herein will be so notified by the undersigned.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST INVENTOR <b>Paz EINAT</b>	INVENTOR'S SIGNATURE 	DATE <b>26 Feb. 2004</b>
RESIDENCE <b>Nes-Ziona, Israel</b>	CITIZENSHIP <b>Israeli</b>	
POST OFFICE ADDRESS <b>Neve Nir 1/27, Nes-Ziona 74042 ISRAEL</b>		
FULL NAME OF SECOND JOINT INVENTOR <b>Rami SKALITER</b>	INVENTOR'S SIGNATURE 	DATE <b>26 Feb. 2004</b>
RESIDENCE <b>Nes-Ziona, Israel</b>	CITIZENSHIP <b>Israeli</b>	
POST OFFICE ADDRESS <b>Habanim 117/11, Nes-Ziona 74037 ISRAEL</b>		
FULL NAME OF THIRD JOINT INVENTOR <b>Elena FEINSTEIN</b>	INVENTOR'S SIGNATURE 	DATE <b>26 Feb. 2004</b>
RESIDENCE <b>Rehovot, Israel</b>	CITIZENSHIP <b>Israeli</b>	
POST OFFICE ADDRESS <b>Hahagana Street 12/29, Rehovot, ISRAEL</b>		
FULL NAME OF FOURTH JOINT INVENTOR <b>Aviv REGEV</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE <b>Cambridge, Massachusetts</b>	CITIZENSHIP <b>Israeli</b>	
POST OFFICE ADDRESS <b>6 Ellery Place, Cambridge, MA 02138</b>		
FULL NAME OF FIFTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF SIXTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		

## Combined Declaration for Patent Application and Power of Attorney

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

SEQUENCES CHARACTERISTIC OF HYPOXIA-RELATED GENE TRANSCRIPTION

the specification of which (check one)

- [ ] is attached hereto;  
[X] was filed in the United States under 35 U.S.C. §111 on March 9, 2001, as  
U.S. Appln. No. 09/802,472 \*; or  
[ ] was/will be filed in the U.S. under 35 U.S.C. §371 by entry into the U.S. national stage of an international  
(PCT) application, PCT/\_\_\_\_\_; filed \_\_\_\_\_, entry requested on \_\_\_\_\_ \*;  
national stage application received U.S. Appln. No. \_\_\_\_\_ \*; §371/§102(e) date \_\_\_\_\_ \*  
(\* if known)

and was amended on December 20, 2001, May 14, 2002, November 18, 2002, November 29, 2002, June 10, 2003 and January 15, 2004.

(include dates of amendments under PCT Art. 19 and 34 if PCT)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and I acknowledge the duty to disclose to the Patent and Trademark Office (PTO) all information known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119 (a)-(d) and 365 (b) of any prior foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or under §365(a) of any PCT application which designated at least one country other than the U.S., listed below:

Application No.	Country	Filing Date (MM/DD/YYYY)
_____	_____	_____
_____	_____	_____

If I claimed foreign priority above, I hereby identify below any foreign application for patent (including an international (PCT) application designating a country other than the United States) or for an inventor's or plant breeder's certificate, having a filing date before that of the earliest application from which foreign priority is claimed (if left blank, then there are none):

Non-Priority Application No.	Country	Filing Date (MM/DD/YYYY)
_____	_____	_____
_____	_____	_____

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional applications listed below:

Application No.	Filing Date (MM/DD/YYYY)
<u>60/056,453</u>	<u>08/21/1997</u>
<u>60/098,158</u>	<u>08/27/1998</u>
<u>60/132,684</u>	<u>05/05/1999</u>

I hereby claim the benefit under 35 U.S.C. §120 of any prior U.S. non-provisional application(s) or under §365(c) of any prior PCT international application(s) designating the U.S., listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such U.S. or PCT international application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the PTO all information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Filing Date (MM/DD/YYYY)	Status (patented, pending, abandoned)
<u>09/384,096</u>	<u>08/27/1999</u>	<u>Abandoned</u>
<u>09/138,109</u>	<u>08/21/1998</u>	<u>Abandoned</u>

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

**All of the practitioners associated with Customer Number 001444**

Direct all correspondence to the address associated with Customer Number 001444, which is presently:

**BROWDY AND NEIMARK, P.L.L.C.**  
624 Ninth Street, N.W.  
Washington, D.C. 20001-5303  
(202) 628-5197

Title: SEQUENCES CHARACTERISTIC OF HYPOXIA-REGULATED GENE TRANSCRIPTIONU.S. Application filed March 9, 2001, Serial No. 09/802,472

PCT Application filed \_\_\_\_\_, Serial No. \_\_\_\_\_

The undersigned hereby authorizes the U.S. Attorneys or Agents appointed herein to accept and follow instructions from \_\_\_\_\_ as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. Attorneys or Agents and the undersigned. In the event of a change of the persons from whom instructions may be taken, the U.S. Attorneys or Agents appointed herein will be so notified by the undersigned.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST INVENTOR <b>Paz EINAT</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE <b>Nes-Ziona, Israel</b>	CITIZENSHIP <b>Israeli</b>	
POST OFFICE ADDRESS <b>Neve Nir 1/27, Nes-Ziona 74042 ISRAEL</b>		
FULL NAME OF SECOND JOINT INVENTOR <b>Rami SKALITER</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE <b>Nes-Ziona, Israel</b>	CITIZENSHIP <b>Israeli</b>	
POST OFFICE ADDRESS <b>Habanim 117/11, Nes-Ziona 74037 ISRAEL</b>		
FULL NAME OF THIRD JOINT INVENTOR <b>Elena FEINSTEIN</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE <b>Rehovot, Israel</b>	CITIZENSHIP <b>Israeli</b>	
POST OFFICE ADDRESS <b>Hahagana Street 12/29, Rehovot, ISRAEL</b>		
FULL NAME OF FOURTH JOINT INVENTOR <b>Aviv REGEV</b>	INVENTOR'S SIGNATURE <i>aviv reg</i>	DATE <b>3/10/2004</b>
RESIDENCE <b>Cambridge, Massachusetts</b>	CITIZENSHIP <b>Israeli</b>	
POST OFFICE ADDRESS <b>6 Ellery Place, Cambridge, MA 02138</b>		
FULL NAME OF FIFTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF SIXTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		

ALL INVENTORS MUST REVIEW APPLICATION AND DECLARATION BEFORE SIGNING. ALL ALTERATIONS MUST BE INITIALED AND DATED BY ALL INVENTORS PRIOR TO EXECUTION. NO ALTERATIONS CAN BE MADE AFTER THE DECLARATION IS SIGNED. ALL PAGES OF DECLARATION MUST BE SEEN BY ALL INVENTORS.

# ASSIGNMENT

(1-5) *Insert Name(s) of Inventors*

(1) Aviv REGEV

(2) \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

(5) \_\_\_\_\_

In consideration of the sum of ten dollars (\$10.00) and other good and valuable considerations paid to each of the undersigned, the receipt of which is hereby acknowledged, each of the undersigned agrees to assign, and hereby does assign, and set over to

(6) *Insert Name of Assignee*

(6) Quark Biotech, Inc.

(7) *Insert Address of Assignee*

(7) 1059 Serpentine Lane

Pleasanton, CA 94566

(hereinafter designated as the Assignee) the entire right, title and interest owned by the undersigned for the United States, its territories, dependencies and possessions, in the invention known as

(8) *Insert Identification of Invention, such as Title, Case Number or Foreign Application Number*

(8) SEQUENCES CHARACTERISTIC OF HYPOXIA-REGULATED GENE TRANSCRIPTION

for which the undersigned has filed or will file a provisional application, or for which undersigned has executed a non-provisional application for patent in the United States of America

(9) *Insert Date of Signing of Application*

(9) on \_\_\_\_\_

(10) *Alternative Identification for Filed Applications*

(10) U.S. Application Number 09/802,472

filed March 9, 2001

and each of the undersigned also agrees to assign, and hereby does assign, transfer and set over to said assignee all provisional and non-provisional applications for patent and any original and reissued Letters Patent of the United States granted for said invention and any divisions, reissues, continuations and extensions thereof and in and to any Letters Patent that may be granted thereon, including the subject matter of any and all claims which may be obtained in every such patent.

1) Each of the undersigned agrees to execute all papers in connection with the application and any continuing or divisional or reissue applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient or essential to its full protection and title in and to the invention hereby transferred.

2) Each of the undersigned agrees to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation or division or re-issue thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

3) Each of the undersigned agrees to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the Assignee.

4) Each of the undersigned agrees to communicate to the Assignee or representatives thereof any facts known to him or her respecting the invention and improvements thereof, and will, upon request, but without expense to him or her, testify in any legal proceedings regarding the invention.

5) Each of the undersigned hereby authorizes and requests the Commissioner of Patents to issue any and all Letters Patents of the United States resulting from said application or any division or divisions or continuing applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he or she has full right to convey the entire interest herein assigned, and that he or she has not executed and will not execute, any agreement in conflict herewith.

6) Each of the undersigned hereby grants the firm of Browdy and Neimark the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent Office for recordation of this document.

7) This Assignment shall be binding upon the heirs, executors, administrators, and/or assigns of each of the undersigned, and shall inure to the benefit of the heirs, executors, administrators, successors and/or assigns of the Assignee.

In witness whereof, executed by each of the undersigned on the date opposite the name of the undersigned.

(1) Date 4/7/2004 Signature of Inventor

Aviv Regav

(2) Date \_\_\_\_\_ Signature of Inventor

(3) Date \_\_\_\_\_ Signature of Inventor

(4) Date \_\_\_\_\_ Signature of Inventor

(5) Date \_\_\_\_\_ Signature of Inventor

Date \_\_\_\_\_ Witness

Date \_\_\_\_\_ Witness